



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3010626

**Applicant Name:** Robert Winters for Darryl Ljunghammar

**Address of Proposal:** 9500 Fremont Ave N

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 8,624 sq. ft. and B) 8,613 sq. ft. Existing structure on proposed Parcel B to remain.

The following approval is required:

**Short Subdivision** - to divide one parcel of land into two lots.  
(Chapter [23.24](#) , Seattle Municipal Code)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

This 17,237 sq. ft. site is located in the Greenwood neighborhood. It straddles two zones, a residential Lowrise 2 zone (L2) on its south side, and on its north side a Single Family zone with a minimum lot size of 5,000 sq. ft. (SF 5000). Abutting rights of way are N 96<sup>th</sup> St on the north, Fremont Ave N on the west, and N 95<sup>th</sup> St on the south. All rights of way have existing curbs and sidewalks. The site slopes down to the southwest, about 8' in all, and it is not in a mapped Environmentally Critical Area.

Neighboring properties to the east and south across N 95<sup>th</sup> St are also zoned L2. To the west and southwest across Fremont Ave N, land is zoned residential Lowrise 1 (L1). To the north and west across the nearby Interurban Trail, properties are zoned SF 5000. The immediate area is developed with a mix of lowrise apartments, townhomes, and single family homes.

### **Proposal Description**

The applicant proposes to subdivide the subject parcel of land into two lots. Proposed lot sizes are:

A) 8,624 sq. ft.

B) 8,613 sq. ft.

### **Public Comments**

The two-week comment period ended September 24, 2009. The project planner received two comment letters from the public. One stated opposition to any possible change in zoning. The proposal involves no proposed change in zoning. Another letter identified an existing lack of parking in the vicinity. This application involves no review of environmental impacts.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC [23.24.040](#), the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat, no short plat shall be approved unless all of the following conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from DPD, the Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

A zoning review has confirmed that the proposed subdivision would conform to all applicable Land Use Code provisions.

2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section [23.53.005](#), Access to lots, and Section [23.53.006](#), Pedestrian access and circulation;*

The proposed subdivision involves no proposed building. However, the resulting single family lot has frontage on two residential streets, and would provide adequate access in all regards.

Seattle City Light and the Seattle Fire Department have reviewed the proposed subdivision and require no corrections.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

DPD Site Development staffs have confirmed that the site currently provides for the discharge of sanitary wastes to the public sanitary-only sewer (PSS) in N 95<sup>th</sup> St. Any new construction on proposed Parcel A will discharge its sanitary waste to the PSS in Fremont Ave N or the PSS in N 96<sup>th</sup> St.

DPD determined the existing structure discharges its stormwater runoff to the public storm drain (PSD) in N 95<sup>th</sup> St. Any new construction on proposed Parcel A will discharge its stormwater runoff to the PSD in Fremont Ave N. Flow control will be required.

The drainage reviewer has no recommended requirements to be required prior to publishing the unit lot subdivision decision.

A Seattle Public Utilities official has reviewed the proposal and issued Water Availability Certificate [20090437](#). All SPU conditions of approval must be met.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

This proposal meets this criterion due to the fact that additional fee-simple housing will be available for sale within the City limits as a result of the unit subdivision of the parcel and construction of ground-related housing.

5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*

This site is not in an Environmentally Critical Area (ECA) as defined in SMC [25.09.020](#); therefore this criterion is not applicable to this application.

6. *Is designed to maximize the retention of existing trees;*

A site survey identifies various existing trees on the site, one of which likely qualifies as exceptional under the City's tree protection ordinance (SMC [25.11](#)) – a 48" dbh western red cedar. Considering the location of the existing apartment building, the proposed subdivision is appropriately configured to maximize the retention of any trees existing on the site. In order to clarify requirements associated with any future development on Parcel A, DPD conditions the plat to address tree protection.

7. *Conformance to the provisions of Section [23.24.045](#), Unit Subdivisions.*

The proposal is not a unit lot subdivision. This criterion does not apply.

8. *Conformance to the provisions of Section [23.24.046](#), Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

The proposal does not involve multiple dwelling units on a single family lot. This criterion does not apply.

#### Summary - Short Subdivision

Review of this site plan shows that the proposed short subdivision, as conditioned in this decision, will conform to applicable standards of SMC chapter [23.24](#). The lots to be created by this short subdivision will meet all minimum standards set forth in the Land Use Code of both the L2 zone and the SF 5000 zone. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access by various modes (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured.

#### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(ies) shall:

1. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes.
2. Submit the final recording forms for approval.
3. On the face of the plat, the applicant shall insert the following notes:

- a. Future construction on Parcel A shall be subject to the provisions of SMC 23.44.008 and SMC 25.11, which set forth tree planting requirements and tree preservation regulations on single family lots.
- b. (Prior to issuance of any building permit on Parcel A) The applicant shall provide a tree protection plan to be approved by the DPD, which shall demonstrate conformance with SMC 25.11.

Signature: (signature on file)  
Scott A. Ringgold, Land Use Planner  
Department of Planning and Development

Date: December 28, 2009